

**In the
Indiana Supreme Court**



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR MONTGOMERY COUNTY)

Case No. 54S00-1205-MS-289

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Montgomery Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

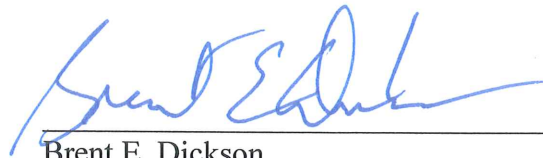
Upon examination of the proposed rule amendments requested by the Montgomery Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR 54-AR00-1 and LR 54-CR 2.2-1 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules , LR 54-AR00-1 and LR 54-CR 2.2-1 for Montgomery Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2012. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Harry Siamas, Montgomery Circuit Court, 100 East Main Street, Crawfordsville, IN 47933-1715; the Hon. David A. Ault, Montgomery Superior Court, 100 East Main Street, Crawfordsville, IN 47933-1715; the Hon. Peggy L. Quint Lohorn, Montgomery County Court, 100 East Main Street, #302, Crawfordsville, IN 47933-1715; to the Clerk of the Montgomery Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Montgomery Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 24th day of May, 2012.



Brent E. Dickson
Chief Justice of Indiana

LR54-AR00-1
Civil Case Assignments

Civil actions and proceedings in the Montgomery Circuit and Superior Courts shall be assigned among the courts as follows:

A. Montgomery Circuit Court: Any civil actions or proceedings and all juvenile actions or proceedings.

B. Montgomery Superior Court 1: Any civil actions or proceedings; all probate actions or proceedings; and all civil domestic relations proceedings in which the Prosecuting Attorney has appeared pursuant to 42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings).

C. Montgomery Superior Court 2: All civil cases founded on contract or tort in which the claim does not exceed the statutory small claims jurisdictional amount; all possessory actions between landlord and tenant in which the claim does not exceed the statutory small claims jurisdictional amount; all actions for possession of property where the value of the property sought to be recovered does not exceed the statutory small claims jurisdictional amount; all infraction and ordinance violation cases; any civil action; and any juvenile proceeding, or probate proceeding transferred from Circuit Court or Superior Court 1.

(Amended effective January 1, 2102)

LR54-CR2.2-1
Case Assignment

A. All traffic, infraction and ordinance violation cases shall be assigned to the Montgomery Superior Court 2.

B. All misdemeanor cases will be filed in Superior Court 2.

C. All Class D felony cases and all cases for nonsupport of a dependent child shall be assigned to the Montgomery Superior Court 1.

D. All Class B and Class C felony cases shall be assigned to the Montgomery Circuit Court.

E. All Class A felony and murder cases shall be assigned on an alternating basis to the Montgomery Circuit Court and Montgomery Superior Court 1, with such cases to alternate between courts so that such offenses which occurred in odd numbered months shall be filed in Circuit Court, and such offenses which occurred in even-numbered months shall be assigned to Superior Court 1.

F. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

G. This Case Assignment rule notwithstanding, consistent with LR 54–CR2.3-2 and the Family Court Rules, cases may be transferred from one court to another as may be appropriate.

(Amended effective January 1, 2102)